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ABSTRACT

From 1939 to 1973, nine million persons immigrated to the United States from all of the countries of the world". During that same period more than seven million illegal Mexican aliens were apprehended and deported to Mexico. Most of these illegal aliens enter the U.S. economy as workers, whereas almost half of the legal Mexican immigrants are dependents. The movement of Mexicans to the U.S. has been the combined result of both "pull" and "push" forces. The "pull" forces are the obvious difference between the economies of the U.S. and Mexico, the cultural affinity existing between many Mexicans and Mexican Americans, the migration policy of the U.S. toward Mexico, the anomaly of the current state of the law in the U.S. with respect to the employment of illegal aliens, and the lure of what is perceived to be a "promised land". "Push" forces include the incidence of poverty throughout Mexico, the strong trend throughout Mexico of rural and urban migration, and Mexico's lack of national attention directed to the people's plight. The massive flow of illegal immigrants has caused, and will continue to cause a serious disruption in the normal labor force adjustment processes throughout the Southwest and, increasingly, in some northern cities. The group that probably suffers the most is the Chicano of the Southwest who has to compete with these workers. Therefore, a number of policy changes are urgently needed, i.e., the elimination of the immunity of employers from prosecution when they employ illegal aliens; an increase in the manpower and budget of the Immigration and Naturalization Service to a level commensurate with the scale of its responsibilities. (NQ)

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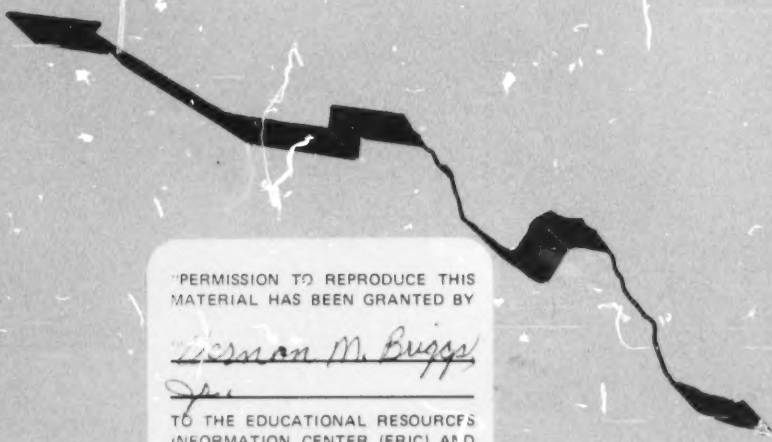
Mexican Migration and the U.S. Labor Market

A Mounting Issue for the Seventies

Vernon M. Briggs, Jr.



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STUDIES IN HUMAN RESOURCE DEVELOPMENT NO. 3

STUDIES IN HUMAN RESOURCE DEVELOPMENT

This volume is the third in a series of studies in human resource development published jointly by the Bureau of Business Research and the Center for the Study of Human Resources of The University of Texas at Austin. This series is devoted to publishing findings of policy-oriented research projects related to human resource development, especially concerning:

1. economic policy, particularly economic development of lagging regions and unemployed, underemployed, or subemployed people;
2. manpower programs, which include labor market adjustment procedures, job information and projections, the movement of workers between areas, skill training, pre-employment training, and public employment;
3. antidiscrimination programs and policies;
4. education, with special emphasis on the role of education in the preparation for work; and
5. health, welfare, and income maintenance, with special emphasis on the use of these activities to support manpower programs.

Although some of the publications in the series involve comparative analysis with situations in other countries and in other sections of the United States, the chief focus of the series is the South and Southwest.

Initiated in June 1970, the Center for the Study of Human Resources is an interdisciplinary research and training center focused on policy issues concerning education, manpower, labor markets, equal opportunity, and rural development. The focus of Bureau of Business Research publications and research projects is the economies of Texas, the Southwest, and Latin America. The Bureau, established in 1926, furnishes information and analytical services to Texas government and business and provides public information through weekly news releases and radio and television programs. Major publications of the Bureau include the monthly *Texas Business Review*, the annual *Directory of Texas Manufacturers*, the *Atlas of Texas* and *Atlas of Mexico*, and numerous monographs and studies on business and economic topics.

Mexican Migration and the U.S. Labor Market

A Mounting Issue for the Seventies

Vernon M. Briggs, Jr.

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PUBLISHER'S FOREWORD

Mexican Migration and the U.S. Labor Market, the third in the Studies in Human Resource Development series published jointly by the Bureau of Business Research and the Center for the Study of Human Resources, contributes further insight into the increasingly serious problem described by Vernon M. Briggs, Jr., in his earlier book in the series, *The Mexico-United States Border: Public Policy and Chicano Economic Welfare*.

In his new study Dr. Briggs, professor of economics at The University of Texas at Austin, analyzes the effects of U.S. labor, immigration, and border policies, along with their enforcement, on employment and labor problems of the seventies and suggests alternative courses of action. Dr. Briggs is the author of numerous studies in labor economics, including *Chicanos and Rural Poverty* (Baltimore: Johns Hopkins Press, 1973).

The manuscript was edited and prepared for publication by Margaret Woodruff, and the cover was designed by William Hezlep. Compositors were Jennifer Brewster and Clintsy Sturgill. The offset printing was the work of Robert Dorsett and Daniel P. Rosas, with the assistance of Robert Jenkins and Salvador Macias.

Stanley A. Arbingast
Director

February 1975

PREFACE

For a number of years I have been involved in a series of studies of the labor market of South Texas in particular and of the Southwest in general. The massive problems of poverty, low educational attainment levels, ill health, unemployment, subemployment, illiteracy, and seasonal migrancy that characterize much of this region have shown little sign of abatement over these years. Public policy endeavors to reduce the level of human suffering in the region have been singularly unsuccessful. The repetition of program failure has not been due to poor design or the absence of good intention as much as to the sheer proportions of the task.

It does not take long to recognize that the source of the many human problems of the region is the surplus labor market. Natural biological increase of the indigenous population is not the primary cause of the growth. Rather, it is the essentially unregulated and unending flow of workers from Mexico that is responsible for the excess supply. Little if anything can be done for the American citizens in this region until some effort is made to control the supply of labor. One of the key factors involved in this effort pertains to the mounting issue of illegal aliens. This aspect of the problem is the principal subject of this study.

The monograph itself is the expanded version of a paper presented at the First International Conference on Migrant Workers sponsored by the International Institute of Management of Berlin, Federal Republic of Germany, in December 1974. I would like to express my appreciation to the organizers of this conference for providing the impetus for me to put my thoughts

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on the subject into writing.

I also appreciate the general encouragement provided to me by Ray Marshall and Robert Glover, the director and associate director, respectively, of the Center for the Study of Human Resources at The University of Texas at Austin. Over the years their continuing interest in the human problems of the South and the Southwest have been a recurring source of intellectual stimulation. They are, of course, in no way responsible for my interpretations and recommendations.

Likewise, I am most appreciative of the editorial review done by Margaret Woodruff of the Bureau of Business Research of The University of Texas at Austin; the task of typing by Maria Otto; and the considerate understanding of my wife Martijna. All of them have been most helpful.

Vernon M. Briggs, Jr.

February 1975

Chapter 1

INTRODUCTION

The migration of citizens of Mexico into the United States has been a fact of life as long as a political border has separated the two nations. During the latter half of the nineteenth century the migration was only a trickle. But the magnitude has increased significantly throughout most of the twentieth century until, by the 1970s, it has reached tidal wave proportions. One knowledgeable U.S. senator, who led an extensive congressional inquiry in 1970 into the economic conditions along the southwest border, succinctly characterized the migration as "a massive hemorrhage."[1]

In 1973 there were 70,141 Mexicans legally admitted as immigrants to the United States. In that year, as in most years since 1960, the number of legal Mexican immigrants surpassed the total of immigrants from any other single country in the world. The primary characteristic of the migration of Mexicans, however, is *not* legal migration, but rather it is illegal migration. During 1973, for example, 609,673 illegal aliens were apprehended in the southwestern quadrant of the United States by the Immigration and Naturalization Service of the U.S. Department of Justice. Most of these apprehended individuals were Mexicans. In fact, 88 percent of all illegal aliens apprehended in the United States in 1973 were of Mexican origin. The 1973 apprehension figure for the Southwest represented an increase of

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[1]Statement by Senator Walter F. Mondale, chairman of the Subcommittee on Migratory Labor of the U.S. Senate Committee on Labor and Public Welfare, in *Hearings on Migrant and Seasonal Farmworker Powerlessness*, pt. 7-B, "Manpower and Economic Problems" (Washington, D.C.: Government Printing Office, 1970), p. 4548.

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more than 200,000 illegal aliens over the preceding year. To be sure, the figures are slightly misleading in that there is some double counting (i.e., the same individuals were arrested more than once during the year). But when it is realized that those who are actually apprehended represent only a small fraction of the real flow, the thrust of the argument is not dulled even when allowances are made for double counting. The Immigration and Naturalization Service has officially estimated that there were three million illegal aliens who entered the United States during 1973 and remained undetected.[2] In addition the Service estimates that approximately seven million illegal aliens currently reside in the United States.[3] The overwhelming majority of persons in each category of illegal aliens—those who are apprehended each year; those flowing in who are not apprehended each year; and the cumulative number of those who have remained undetected over the years—are of Mexican origin.

Legal migration from Mexico is not a significant migration factor; it is far exceeded, in both number and severity of consequences, by illegal entry. From 1939 to 1973 approximately nine million persons immigrated to the United States from *all of the countries of the world*. During the same time period more than seven million illegal Mexican aliens were apprehended and deported to Mexico. Most illegal aliens of Mexican origin enter the U.S. economy as workers, whereas almost half of the legal Mexican immigrants are dependents.

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[2]"Illegal Aliens Put at 3 Million," *New York Times*, January 27, 1974.

[3]Statement by Leonard F. Chapman, Commissioner, Immigration and Naturalization Service, Chicago, September 17, 1974, p. 2 (mimeographed).

Chapter 2

HISTORICAL OVERVIEW

The vast land area that presently composes the American Southwest was acquired by conquest. The land area—approximately the size of present-day India—was ceded to the United States under the terms of the Treaty of Guadalupe Hidalgo in 1848, which formally ended the Mexican-American War of 1846-1848. An additional strip of land, the Gadsden Purchase, was bought from Mexico in 1853 after American railroad interests realized that the most practical route to California was in the Gila Valley (most of which lies in the present-day state of Arizona), which had not been included in the ceded territory. Mexico was in no position to object to the sale request.

The Mexican-American War had been fought over land, not people. But as a result of the provisions of the Treaty and the Gadsden Purchase approximately 75,000 Mexicans were given the choice of becoming citizens of the United States or returning to Mexico.[4] Most elected to remain in the territory of their ancestors. Many believed that their land was only temporarily "occupied."[5] During the balance of the nineteenth century fewer than 30,000 Mexicans immigrated into this region.

It was not until the twentieth century that the number of migrating Mexicans became numerically significant. Between 1910 and 1930 an estimated 750,000 Mexicans legally immigrat-

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[4]Carey McWilliams, *North From Mexico* (New York: Greenwood Press, 1968), p. 52.

[5]Rodolfo Acuña, *Occupied America* (San Francisco: Canfield Press, 1972), p. 29 ff.

ed into the United States.[6] The short-run "push" force was the extreme violence that accompanied the civil war that raged in Mexico between 1910 and 1919. The immediate "pull" forces were agricultural development throughout the American Southwest and the domestic labor shortage that occurred during World War I. Immigrants from Mexico were *excluded* from the National Origins Act of 1924, which set numerical quotas by nationality for immigrants from all non-Western Hemisphere nations.

During the 1930s the process was reversed. The mass unemployment in the United States set forth a movement in the Southwest to "repatriate" Mexicans residing in the United States. The fact that many of these people had married American citizens, or were eligible for citizenship but had not formally completed the immigration process, was no barrier to those who believed it necessary to reduce the regional labor pool. Numerous whites from the "dust bowl" areas of Texas and Oklahoma were pouring into the agricultural labor market in California, making a new source of cheap labor available. It was also during the 1930s that the first large scale effort to apprehend illegal aliens was launched. Over 200,000 such aliens (mostly Mexican) were deported between 1930 and 1940,[7] *in addition* to the several hundred thousand more (the exact number is unknown) who were forcibly "repatriated" during the same decade. Legal immigration from Mexico fell to about 27,000 for the entire decade.[8]

In the 1940s, with the advent of the Second World War, the situation reversed itself. Economic conditions changed markedly. The military requirements of the nation and its related manufacturing needs led to a labor shortage in the agricultural sector. The farmers and growers of the Southwest had foreseen these developments prior to the Pearl Harbor attack in 1941. They had made two fateful decisions: first, the

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[6]Julian Samora, "Mexican Immigration," mimeographed paper presented at the Conference on Economic and Educational Perspectives of the Mexican American (Aspen, Colorado, August 27, 1972), pp. 9-10 and Table 1-A.

[7]*Ibid*, p. 11.

[8]*Ibid.*

pool of cheap labor in Mexico was to be tapped to fill the manpower deficit; second, the federal government was to be the vehicle of deliverance.[9]

The initial requests of U.S. growers for the establishment of a contract labor program were denied by the federal government in 1941. By mid-1942, however, the U.S. government had come to favor the program but the government of Mexico balked at the prospect of a formal intergovernment agreement. The unregulated hiring of Mexican citizens by foreign nations had been prohibited by Article 123 of the Mexican Constitution of 1917. Moreover, in the 1940s the Mexican economy was flourishing; Mexican workers justifiably feared that they would be drafted; there were bitter memories of the "repatriation drive" of the 1930s; and there was knowledge of the discriminatory treatment accorded people of Mexican ancestry throughout the Southwest.

Negotiations between the two governments, however, resulted in a formal agreement, achieved in August 1942. The Mexican Labor Program, better known as the "bracero program," was launched. Mexican workers were to be afforded numerous protections with respect to housing, transportation, food, medical needs, and wage rates. Initiated through appropriations for P.L. 45, the program was extended by subsequent enactment until 1947. For the growers the bracero program proved to be a "bonanza."[10] Braceros were limited exclusively to agricultural work. Any bracero who was found holding a job in any other industry was subject to immediate deportation. When the agreement ended December 31, 1947, the program was continued informally and was unregulated until 1951. In that year, under the guise of another war-related labor shortage, the bracero program was once again formalized by P.L. 78. This program continued to function until it was unilaterally terminated by the United States on December 31, 1964. Since then the government of Mexico has made numerous proposals for the resumption of the program but, to date, the United States has

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[9]Ernesto Galarza, *Merchants of Labor: The Mexican Bracero Story* (Charlotte, North Carolina: McNally and Loftin, 1964).

[10]McWilliams, *North From Mexico*, p. 267.

not acceded.[11] Several bills to revive the program have been introduced in the U.S. Congress by representatives of southwestern agricultural districts but they have yet to clear a congressional committee.

Paralleling the flow of braceros during the 1950s and early 1960s has been the mammoth flow of illegal Mexican aliens since 1964. Undoubtedly many of these illegal aliens were former braceros. They had been attracted to the Mexican border towns from the rural interior of Mexico by the existence of the former contract labor program. Thus there is some truth to the proposition that the United States has created the illegal alien problem itself. However, it is too simplistic to conclude that the problem would not eventually have surfaced in the absence of the bracero program. Much more is involved.

[11] E.g., see "Mexico to Seek Farm Labor Pact," *New York Times*, June 17, 1973.

Chapter 3

MAGNITUDE AND CHARACTER OF THE MIGRATION

To gain perspective it is useful to examine the statistics that indicate the magnitude of Mexican migration over time. Table 1 shows the annual number of legal immigrants from Mexico to the United States since 1869. Table 2 presents data on the number of illegal aliens from Mexico who have been apprehended each year since 1924. Although Table 2 covers a much shorter time period, a comparison of the totals shows that the aggregate number of apprehended illegal Mexican aliens is much higher than the aggregate number of legal Mexican immigrants: the ratio is better than 4 to 1. Indeed, the number of apprehended Mexican aliens has exceeded the number of legal Mexican immigrants every year since 1930. But the gap has been widening perceptibly in recent years, with the ratio larger than 8 to 1 in 1973.

Examination of characteristic features of the two categories, legal immigrants and illegal aliens, tells much about the consequences of the migration process for the U.S. labor market.

LEGAL IMMIGRANTS

The contemporary immigration system of the United States is designed to accomplish three goals: to unify families; to admit workers with skills that are in short supply; and to permit entry to a small number of political refugees.[12] Since the end of

[12]David S. North and William G. Weissert, *Immigrants and the American Labor Market*, research report to the U.S. Department of Labor under contract number 20-11-73-01 (Washington, D.C.: Trans Century Corporation, 1973), pp. 7-8.

Table 1

LEGAL IMMIGRATION FROM MEXICO TO THE UNITED STATES, 1869-1973

Year	Immigrants	Year	Immigrants	Year	Immigrants
1869	320	1904	1,009	1939	2,265
1870	465	1905	2,637	1940	1,914
1871	402	1906	1,997	1941	2,068
1872	569	1907	1,406	1942	2,182
1873	606	1908	6,067	1943	3,985
1874	386	1909	16,251	1944	6,399
1875	610	1910	17,760	1945	6,455
1876	631	1911	18,784	1946	6,805
1877	445	1912	22,001	1947	7,775
1878	465	1913	10,954	1948	8,730
1879	556	1914	13,089	1949	7,977
1880	492	1915	10,993	1950	6,841
1881	325	1916	17,198	1951	6,372
1882	366	1917	16,438	1952	9,600
1883	469	1918	17,602	1953	18,454
1884	430	1919	28,844	1954	37,456
1885	323	1920	51,042	1955	50,772
1886	n.a.	1921	29,603	1956	65,047
1887	n.a.	1922	18,246	1957	49,154
1888	n.a.	1923	62,709	1958	26,712
1889	n.a.	1924	87,648	1959	23,061
1890	n.a.	1925	32,378	1960	32,684
1891	n.a.	1926	42,638	1961	41,632
1892	n.a.	1927	66,766	1962	55,291
1893	n.a.	1928	57,765	1963	55,253
1894	109	1929	38,680	1964	32,967
1895	116	1930	11,915	1965	37,969
1896	150	1931	2,627	1966	45,163
1897	91	1932	1,674	1967	42,371
1898	107	1933	1,514	1968	43,563
1899	163	1934	1,470	1969	44,623
1900	237	1935	1,232	1970	44,469
1901	347	1936	1,308	1971	50,103
1902	709	1937	1,918	1972	64,040
1903	528	1938	2,014	1973	70,141
Total, 1869-1973					**1,737,185**

n.a. Data not available.

Sources: For years 1869-1969, the data is taken from Table 1-A of a mimeographed paper, "Mexican Immigration," presented by Julian Samora at the Conference on Economic and Educational Perspectives of the Mexican American (Aspen, Colorado, August 27, 1972); the figures for 1970-1973 are from annual reports of the U.S. Immigration and Naturalization Service.

Table 2

ILLEGAL MEXICAN ALIENS APPREHENDED AND/OR DEPORTED, 1924-1973

Year	Number of aliens	Year	Number of aliens	Year	Number of aliens
1924	4,614	1941	5,082	1958	45,164
1925	2,961	1942	10,603	1959	42,732
1926	4,047	1943	16,154	1960	39,750
1927	4,495	1944	39,449	1961	39,860
1928	5,529	1945	80,760	1962	41,200
1929	8,538	1946	116,320	1963	51,230
1930	18,319	1947	214,543	1964	41,589
1931	8,409	1948	193,852	1965	48,948
1932	7,116	1949	289,400	1966	89,683
1933	15,875	1950	469,581	1967	107,695
1934	8,910	1951	510,355	1968	142,520
1935	9,139	1952	531,719	1969	189,572
1936	9,534	1953	839,149	1970	265,539
1937	9,535	1954	1,035,282	1971	348,178
1938	8,684	1955	165,186	1972	430,213
1939	8,376	1956	58,792	1973	576,823
1940	8,051	1957	45,640		
Total, 1924-1973					**7,266,695**

Note: There is a considerable problem with the exact figures used to report illegal aliens. The official definitions have changed over time. Nevertheless, these figures do reflect correctly the orders of magnitude.

Source: For the years 1924-1941, see Samora, "Mexican Immigration," Table III; for 1942-1973, see Vernon M. Briggs, Jr., *The Mexico-United States Border: Public Policy and Chicano Economic Welfare* (Austin, Texas: Center for the Study of Human Resources and Bureau of Business Research, 1974), p. 9.

World War II and especially since the enactment of major immigration statutes in 1952 and 1965, the characteristics of legal immigrants to the United States have come to resemble very closely the characteristics of the U.S. population in general. A careful study of immigrants into the United States that was published in 1973 found:

Immigrants, although still differing from the rest of the population in terms of national origin, are now closer to the American norm when one

considers age, sex ratios, marital status, geographic distribution among the states, labor force participation, and occupational distribution.[13]

In most respects characteristics of legal immigrants from Mexico since the passage of the Immigration Act of 1965 have closely resembled the characteristics of *all* legal immigrants to the United States. That is to say, most Mexican and most non-Mexican immigrants have had a preference for urban areas rather than rural areas, as have most Americans; both groups have had about the same percentage of labor force participation as the overall American population; and both groups have had a slightly higher ratio of women to men but a slightly younger average age than the American population as a whole.

There are, however, several important differences between legal Mexican immigrants and other legal immigrants. The foremost difference is that Mexicans overwhelmingly prefer to reside in one of the five southwestern states. Another factor is that legal Mexican immigrants are more likely to have friends and relatives who are already citizens of the United States than are other immigrant groups. But perhaps most important is the fact that legal Mexican immigrants tend to have a significantly different occupational distribution from that of legal entrants from other nations. For although most occupations are represented in the distribution for Mexican immigrants, a disproportionately high number of Mexicans are blue collar workers. Legal Mexican immigrants tend to be craftsmen, household service workers, non-farm laborers, and farm laborers.[14] The explanation for this occupational difference from other groups is probably that a significant number of legal immigrants were once illegal aliens.

ILLEGAL IMMIGRANTS

For illegal Mexican immigrants the statistical profile is, of course, much more difficult to specify, as the actual universe is unknown. Even those apprehended are often reluctant to answer

[13] *Ibid.*, pp. 24-25.
[14] *Ibid.*, pp. 47-48.

questions honestly. Nevertheless, from the limited research that is available it is obvious that the illegal aliens have a distinctly different set of characteristics from that of legal immigrants. Typically the illegal alien is male, usually unmarried, younger than thirty years of age, unskilled, from a rural area, poorly educated, speaks little if any English, is likely to be employed at least some time in the rural economy of the United States, and is most likely to be employed in an unskilled occupation as either a farm- or non-farm laborer.[15] The Immigration and Naturalization Service estimates that one third of the illegal aliens from Mexico are employed in agriculture; another third in other goods-producing industries (especially meat-packing, auto-making, and construction); and one third in service jobs.[16] These employment patterns are quite distinct from the overall distribution patterns for the American labor force.

As indicated earlier, there is some interrelationship between the legal and illegal flows. For example, many illegal Mexican aliens later become legal Mexican immigrants. An illegal alien may marry a U.S. citizen, or have a child born in the United States who is eligible for citizenship, or make political connections with a sympathetic community organization or an influential employer who is willing to plead the alien's case. Should one of these circumstances occur, it is likely that the once illegal alien will qualify as a legal immigrant who can gain admission outside of the established immigrant quota system.

Thus a migration process that began with a small indigenous population of Mexican citizens whose territory was conquered and whose citizenship was changed by treaty terms has gradually evolved from a "pioneer" immigration process into a mass migration movement.

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[15]Julian Samora, *Los Mojados: The Wetback Story* (Notre Dame, Indiana: Notre Dame Press, 1971), Chapter VI.

[16]Robert F. Mathieson, "Influx of Illegal Aliens and the Unemployment Rate," *Houston Chronicle*, January 3, 1975.

Chapter 4

CAUSES OF THE MIGRATION

Most sizable migrations of human beings are the combined result of both "pull" and "push" forces. This has certainly been the case with respect to the movement of Mexicans to the United States.

THE LONG-RUN "PULL" FORCES

The primary "pull" force is the obvious difference between the economies of the United States and Mexico, which share a common 1,800 mile border. Nowhere else on earth does a political border separate two nations with a greater economic disparity. In 1972 the gross national product of the United States was over $1.1 trillion; for Mexico it was $37 billion. The per capita income of the United States was $5,288, while in Mexico it was slightly above $707.[17] The amount of this difference exceeds the per capita income of every nation in the world except that of Sweden. The vast economic advantages of life in the United States act as a magnet for both legal and illegal immigrants. For most Mexican immigrants life in the United States represents by any standard a considerable improvement over the life left behind.

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[17]The figures cited for the economies of the United States and Mexico are taken, respectively, from the *Economic Report of the President: 1973* (Washington, D.C.: Government Printing Office, 1973) and *Economic and Social Progress in Latin America: Annual Report 1973* (Washington, D.C.: Inter American Development Loan Bank, 1973).

A second factor is the migration policy of the United States toward Mexico. With the brief exception of the depression decade of the 1930s, the demand for a cheap source of unskilled labor has been the overriding characteristic of "official" and "unofficial" policy. Mexicans have been welcomed as workers but not as settlers. Migration over the years has been geared to domestic labor policy (especially in agriculture) and not to a settlement process. The fact that U.S. policy in the 1970s is so tolerant of the wave of illegal entrants; so timid in the enforcement of its existing laws which prohibit illegal entry; and so hesitant to assume a posture of deterrence, can lead to only one conclusion: namely, labor policy continues to dominate settlement considerations.[18]

The third factor involved is the cultural affinity that exists between many Mexicans and Mexican Americans (called hereafter "Chicanos").[19] As indicated earlier, people of Mexican ancestry have lived in what is now the southwestern United States long before there ever was a United States. After the acquisition of the region by the United States in 1848 a number of Mexicans remained in their homeland. Over the years they have been joined by many others. In fact, the boundary between the United States and Mexico was an "open border" until 1924, when the Border Patrol was established and restrictions on immigration were imposed for the first time. Even though Mexico was not included in the immigration quotas established by the Immigration Act of 1924, restrictions were imposed on the ease of entry of Mexicans and all other immigrants into the

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[18]Vernon M. Briggs, Jr., *The Mexico-United States Border: Public Policy and Chicano Economic Welfare*, Studies in Human Resource Development no. 2 (Austin, Texas: Center for the Study of Human Resources and Bureau of Business Research, 1974), pp. 10-11.

[19]The word "Chicano" is increasingly being used in the United States to refer to the group of citizens generally called "Mexican Americans" in the literature. Militant Chicanos prefer the term because it accentuates the fact that many of them feel they are treated as Mexicans in the United States but as Americans in Mexico. Actually the term "Chicano" is an old phrase used by the indigenous Indian population of northern rural Mexico to refer to Mexicans of Spanish descent. The Indians pronounced the word "Mexicano" as "Meh-chee-cano" and over the years shortened the word simply to "Chicano."

United States. It became for the first time a felony offence to enter the United States illegally.

The flow of legal immigrants from Mexico has—with the exception of the 1930s—tended to increase each year. The Immigration Act of 1965 (which did not become effective until mid-1968) established for the first time a quota for immigrants from Western Hemisphere nations. The figure was set at 120,000, with no more than 40,000 to be admitted from any single country. The actual number of legal immigrants each year from Western Hemisphere nations regularly exceeds these fixed maximums. This is because parents, spouses, and under-age children of U.S. citizens are not counted in the quotas. Hence for 1973 there were a total of 173,123 legal immigrants from the Western Hemisphere, of whom 70,141 were legal immigrants from Mexico. The percentage of Mexican immigration in the total immigration from Western Hemisphere nations has increased each year since the imposition of the quota. In 1969 legal Mexican immigrants accounted for 29 percent of the total; by 1973 they were 40 percent of the total. Thus illegal Mexican aliens of the 1970s enter a nation that already includes over 6.5 million Chicanos in its population. Over 80 percent of these Chicanos reside in the five states (California, Texas, New Mexico, Arizona, and Colorado) of the American Southwest. Most of the major cities in these five states already have sizable Chicano communities, in which an immigrant or alien can find familiar food, language, cultural traditions, and, maybe, even friends or relatives. For example, Los Angeles, California, with its "official" 1.5 million Chicano population, includes more people of Mexican ancestry than any city in all of Mexico except Mexico City.

A fourth "pull" factor is the anomaly of the current state of the law in the United States with respect to the employment of illegal aliens.[20] It is against the law for an illegal alien to seek employment, but it is *not* against the law for an employer to hire an illegal alien. The Immigration and Nationality Act of 1952 made the importation and harboring of illegal aliens a felony. As a concession to Texas agricultural interests, however,

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[20]Briggs, *Mexico-United States Border*, pp. 10-15.

the act contains the famous "Texas proviso." This section states that employment and the related services provided by employers to employees (i.e., transportation, housing, or feeding) do not constitute an illegal act of harboring. The effect of the "proviso" is to make employers largely immune from prosecution if they hire such workers. Even employers whose premises are raided regularly by the Immigration and Naturalization Service are rarely prosecuted. Thus one of the most important barriers to effective control of illegal entrants is the fact that the act of employment of an illegal alien is not itself illegal. Since an employer incurs no risk, he is free to hire illegal aliens; this encourages the flow across the border.

Because of the burgeoning dimensions of the issue, extensive public hearings were held by a subcommittee of the Committee on the Judiciary of the U.S. House of Representatives during 1971 and 1972. A bill that would require employers to make a "good faith" effort to determine whether their employees are legal citizens of this country was passed by the House in 1972 (during the 92nd Congress) and in 1973 (during the 93rd Congress) by overwhelming vote margins. The proposal, known popularly as the "Rodino bill" after the chairman of the Subcommittee of the Committee on the Judiciary, Representative Peter W. Rodino (D-New Jersey), imposed sanctions against employers who "knowingly" hire illegal aliens. The penalties ranged from warnings for first time offenders to fines and jail terms for repeat offenders. During both congressional sessions the proposals died before consideration by the Senate. The chairman of the appropriate Senate committee, Senator James Eastland (D-Mississippi), has refused to convene a subcommittee meeting to discuss the House bill. An explanation for this refusal has been offered by Representative Leo J. Ryan (D-California), a strong supporter of the Rodino bill, who has observed:

> Members of the Senate represent a constituency which has a vested interest in no changes. The agriculture economy is based on the use of illegal aliens at a fairly low wage.[21]

21"Illegal Aliens Earn $10 Billion a Year, Investigator Says," *New York Times*, December 11, 1974.

The issue of employment of illegal aliens is considered to be a high priority item for the 94th Congress, which convened in January 1975. Against the backdrop of a high unemployment rate, the prospect for passage of some form of Rodino-type legislation is more likely than in earlier years.

As for the illegal aliens themselves, only an unimportant technicality in the law makes it a punishable offense to seek employment in the United States. In reality over 95 percent of those aliens who are apprehended by the Immigration and Naturalization Service are simply returned to Mexico by the most expedient form of transportation. Less than 5 percent of the illegal Mexican aliens are subjected to formal deportation proceedings that would render any subsequent entry a felony.[22] More frequent prosecution could serve as a deterrent. Neither Congress nor the president has believed to date that the issue warrants a sufficient increase in the number of hearing officers to raise significantly the level of prosecutions. As a result those aliens allowed to leave through the voluntary departure system are in no way deterred from returning at will.

Thus if an illegal alien is caught, he is simply returned to his native land; if he is not apprehended, he works at a job that affords him an income higher than he would receive for work in Mexico. For the businessman there is no risk of loss. There are only gains from tapping a cheap source of labor that is completely bound to his arbitrary terms of employment.

The Immigration and Nationality Act of 1952 expressly states that it is national policy to reserve available jobs for the domestic labor force. Referring to this act, the California Court of Appeals ruled in 1970 that the number of illegal aliens in the Southwest "represents an abject failure of national policy." Moreover, the court observed that the lack of meaningful corrective action "must be ascribed to self-imposed impotence of our national government."[23]

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[22]U.S. Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 1, *Hearings on Illegal Aliens*, pt. 5 (Washington, D.C.: Government Printing Office, March 22, 1972), p. 1315.

[23]*Diaz v. Kay-Dix Ranch* (1970), as reprinted in House of Representatives, *Hearings on Illegal Aliens*, pt. 1 (Washington, D.C.: Government Printing Office, June 21, 1971), p. 179.

The prevailing legal charade has taken an even more incredible twist in 1974. The commissioner of the Immigration and Naturalization Service, Leonard F. Chapman, issued an order that illegal aliens apprehended outside of the actual border area would no longer be detained or returned to their homelands.[24] The only exception would be those situations in which an alien was apprehended in connection with the commission of a crime. Furthermore, investigations of charges of the presence of illegal aliens would not be made unless the individual case involved at least fifty aliens. The commissioner justified this action by pointing to the chronic shortage of funds and of manpower. Of the scant 1,600 persons in the Border Patrol in late 1974, 1,350 were assigned to the 1,800 mile Mexican border.[25] The result of this action is twofold. First, it manifests a policy that if a Mexican alien can successfully pass through the border region he is essentially "home free." Second, it means that border areas in other geographic regions (especially large portions of the Canadian border) are only minimally guarded if at all. There are numerous reports of significant increases in the number of aliens, mostly non-Mexicans, entering the United States via Canada (where no visa is required for foreign visitors) and on flights from Puerto Rico (which, being a commonwealth of the United States, has no visa, passport, or inspection requirements on incoming travelers).[26] Thus the concentration on the Mexican border has increased the opportunities for illegal aliens to gain access to the United States in other regions with relative ease.

A fifth, relatively minor "pull" factor is the lure of what is perceived to be a "promised land."[27] "Word-of-mouth" accounts of better job opportunities, higher wages, and improved

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[24]Margaret Gentry, "U.S. Curbs Pursuit of Illegal Aliens," *Washington Post*, October 24, 1974; statement by Leonard F. Chapman, Jr., Commissioner, Immigration and Naturalization Service, address for Citizenship Day Program, September 17, 1974, Chicago, Illinois (mimeographed).

[25]Address by William B. Saxbe, Attorney General of the United States, before the Cameron County and Hidalgo County Bar Association, October 30, 1974, Brownsville, Texas, p. 8 (mimeographed).

[26]M. A. Farber, "Million Illegal Aliens In Metropolitan Area," *New York Times*, December 29, 1974.

[27]Samora *Los Mojados*, p. 10.

living conditions circulate from returnees and from letters containing remittances to family members who remain behind. These tales are often exaggerated or, at least, tend to minimize the negative aspects of survival on the lowest rung of the economic ladder in the United States. Nonetheless, it remains true that in purely economic terms life in the United States is likely to offer far more options than the arduous and stifling prospects of perpetual poverty for most who choose to remain in northern and central Mexico.

THE LONG-RUN "PUSH" FORCES

The impetus for migration from Mexico in the 1970s is not due to stagnation in the Mexican economy. In fact, for the past decade Mexico has had the fastest rate of economic growth of any country in Latin America. Since the late 1960s Mexico's gross national product has been increasing annually at a rate of 6 percent or more, with per capita income increasing at about 3 percent a year.[28] Yet the Mexican economy is essentially state regulated capitalism and the benefits of industrialization accrue disproportionately to the small upper income sector. Little filters down to the vast lower income group.[29] Thus the massive migration of lower income Mexicans represents for the Mexican government a safety valve to reduce the possibility of internal problems arising from unequal distribution of income and the existence of a surplus labor force. The Mexican economy is moving from an agriculture and handicraft phase into an industrial and technological stage. The Mexican government feels it needs time to complete this transition. Moreover, the illegal aliens frequently bring back or send portions of their earnings; in the aggregate this amounts to a substantial influx of American dollars. As a result, illegal entry is one important way to gain desperately needed foreign exchange and to help Mexico's external balance of trade.

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[28]Alejandro Portes, "Return of the Wetback," *Society* 11, no. 3 (March-April 1974): 44.

[29]*Ibid.*

But despite the fact that the Mexican economy is growing, Mexico remains an underdeveloped country. For most of the population extreme poverty is the way of life.[30] Unemployment rates in Mexican cities that border on the United States remain in the 30-40 percent range. For many farmers and agricultural workers in Mexico's central and northern states, one hundred days of employment per year is the most that can be expected. When work is available, it is often of a hard physical nature for which the monetary reward is but a pittance. In 1970 41.3 percent of Mexico's population resided in rural areas. The minimum wage in Mexico's border cities—although varying from locality to locality—is never more than one third of the *minimum* wage across the border in the United States. The birth rate of Mexico is among the highest in the world (about 3.6 percent a year);[31] the birth rate in the rural areas of Mexico is acknowledged to exceed the alarmingly high national rate. The available adult work force is expected to double between 1970 and 1980. Over 23 percent of the population is currently estimated to be illiterate. Droughts, pestilence, and diseases are common throughout the rural states. Housing is poor and frequently makeshift. Inadequate diets and malnutrition cause pervasive health problems.

The economic situation in Mexico would be bad even if the national government of Mexico manifested concern about the poverty that entraps so many of its citizens. But little national attention is directed to the plight of these people. To make matters worse, the government of Mexico refuses to consider accepting direct foreign aid to reduce the level of poverty within the nation. The "national pride" of the small affluent class that

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[30]For a good discussion of economic conditions in the Mexican border cities, see Liborio V. Calderón, "Foreign Assembly Industries in Mexico: A Necessary Evil of an Underdeveloped Society"; Giorgio Berni, "Border Industry: The Case of Ciudad Juarez, Chihuahua"; and David Barkin, "Mexico's Albatross: The United States Economy," all of which are papers presented at the Conference on Economic Relations between Mexico and the United States, sponsored by the U.S. Department of State and the Institute of Latin American Studies of The University of Texas at Austin, April 16-20, 1973.

[31]Richard Severo, "The Flight of the Wetbacks," *New York Times Magazine*, March 10, 1974, p. 84.

controls the political system of Mexico is largely oblivious to internal pleas for reform and contemptuous of external offers of direct assistance.[32] All things considered, therefore, it is understandable why many rural peasants and urban slum dwellers flee from the grinding poverty that is the destiny of many for as long as they remain in their homeland. Migration is not seen by the participants as illegal or immoral. On the contrary, the topic is discussed openly and the procedures have been both regularized and ritualized. The process is often accepted as part of the fate of poor people. Many of these poor people do not regard the threat of being jailed or placed into a detention camp as a deterrent form of punishment. Rather, a jail is seen as a place to which poor people will often return during periods of their lives. Imprisonment is accepted as fate, so nothing is lost in an effort to swim across a river as a "wetback" or cut a fence as an "alambrista."[33]

Closely associated with the pace of industrialization and the incidence of poverty is the strong trend throughout Mexico of rural to urban migration. Within the country Mexicans have migrated toward two destinations: Mexico City and the northern cities located along the border with the United States. As can be seen in Table 3, the numerical and percentage growth rates of the eight largest border towns of Mexico have increased by 44 percent in the decade between 1960 and 1970. The growth rate of parallel U.S. border cities has also been very high and their growth is not unrelated to the migration of Mexicans. The Mexican border towns, however, were poverty-stricken to begin with. The stacking-up of the poor rural workers who have piled into these border cities has completely overridden the ability of these municipalities to provide even the usual minimum of community services.[34] It is not surprising that there is no interest on the part of the Mexican government in stopping the outflow of its citizens. In fact, the government has much to gain by this outflow. From the public services standpoint any slowdown in the rate of settlement of these workers in Mexican

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[32] *Ibid.*

[33] Samora, *Los Mojados*, Chapters 3 and 4.

[34] *Ibid.*, pp. 9-10.

Table 3

NUMERICAL AND PERCENTAGE POPULATION GROWTH IN BORDER CITIES, 1960-1970

City	1960	1970	Percent increase
Brownsville, Texas	48,040	52,522	9
Matamoros, Tamaulipas	143,043	182,887	28
McAllen, Texas	32,728	37,636	15
Reynosa, Tamaulipas	134,869	143,514	6
Laredo, Texas	60,678	69,024	14
Nuevo Laredo, Tamaulipas	96,043	150,922	57
Eagle Pass, Texas	12,094	15,364	27
Piedras Negras, Coahuila	48,408	65,883	36
El Paso, Texas	276,687	322,261	16
Ciudad Juárez, Chihuahua	276,995	436,054	57
Nogales, Arizona	7,286	8,946	23
Nogales, Sonora	39,812	52,865	33
Calexico, California	7,992	10,625	33
Mexicali, Baja California	281,333	390,411	39
San Diego, California	573,224	696,769	22
Tijuana, Baja California	165,690	335,125	102
United States total	1,018,729	1,213,147	19
Mexico total	1,186,193	1,757,661	48

Source: *Annual Report—1971*, Texas Good Neighbor Commission.

border cities can only be beneficial. Moreover, a substantial amount of private sector business activity in these Mexican cities thrives on the migration traffic. Numerous individuals and groups are involved in the smuggling of human beings into the United States; in the forgery of identification papers (Social Security cards, resident alien cards, drivers' licenses, passports, etc.); and in loan-sharking (charging exorbitant interest rates, in this case on loans or credit extensions given to cover the charges by smugglers and document forgers).[35]

[35]Jack Webb, "People-Smuggling Racket is $125 Million Business," *Austin Statesman*, May 29, 1972; Jack Webb, " 'Hide-and-Seek' Keeps Border Patrol on Guard," *Austin Statesman*, May 30, 1973; Jack Webb, "Sometimes Death Waits Along Live Cargo Route," *Austin Statesman*, May 31, 1973; Jack Webb, "Judge Sees Wire Fence as Way to Stop Racket," *Austin Statesman*, June 1, 1973.

Thus, when the "pull" and "push" forces are combined, the accumulated pressure for illegal entry is so strong that it may already be impossible for public policy to control this migration. The dire warning made in 1971 by the commissioner of the Immigration and Naturalization Service, Raymond F. Farrell, that the problem of illegal entry into the United States "has grown progressively worse" and his woeful prediction for the future that "border violations will continue to mount" have, not surprisingly, proven to be the voice of Cassandra.[36] In fact by 1974 the successor to Farrell, Commissioner Leonard Chapman, publicly stated that the United States is "being overrun by illegal aliens"; as bad as the prevailing situation is, he warned, "we are seeing just the beginning of the problem."[37]

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[36]Michael Mallory, "Human Wave of Mexicans Splashes across Border," *National Observer*, October 16, 1971.

[37]"Can't Stop Alien Flood, Official Says," *San Antonio Express*, October 23, 1974.

Chapter 5

CONSEQUENCES OF THE MIGRATION

The impact of immigration from all nations of the world upon the labor market of the United States in the 1970s has not been well understood. Since the Immigration Act of 1965 became effective in 1968, about 400,000 legal immigrants have been admitted to the country annually. It is estimated that approximately 200,000 of these legal immigrants enter the U.S. labor market each year.[38] In the 1970s they have accounted for about 12 percent of the annual increase in the U.S. labor force. These legal immigrants exert substantial impact in certain areas, affecting cities more than suburbs and rural areas, some states more than others, and some occupations more than others.[39] Legal Mexican immigrants have exerted significant influence upon the labor markets of the major cities of the southwestern United States and of the states California and Texas and upon the labor market for blue collar and service workers. Except for several specific border communities, the impact of the legal immigrants from Mexico has yet to become an overwhelming problem.

The consequences of the migration of the illegal Mexican aliens, however, are entirely different. The massive flow of illegal immigrants has caused, is causing, and will continue to cause a serious disruption in the normal labor force adjustment processes throughout the Southwest and, increasingly, in some northern cities (e.g., Chicago, Lansing, and Detroit).

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[38]North and Weissert, *Immigrants and the American Labor Market*, p. 2.

[39]*Ibid.*, p. X.

The illegal Mexican aliens constitute a body of workers who are totally dependent upon the terms of employment dictated by an employer. The aliens, usually grateful for the pittance they receive, are willing to work long, hard, and for low pay. They have become a "shadow labor force"—especially in the Southwest—whose presence is often felt but seldom seen. In the industries in which they congregate, they depress wages and working conditions to such a degree that native workers cannot compete with them. The native workers must either choose to work and live as does the illegal alien, move to another region, or seek another occupation.[40]

Historically the impact of the illegal Mexican immigrant has been felt in the rural economy of the Southwest. Having typically come from a rural background with little knowledge of either urban work skills or the English language, it was easier for the illegal alien to find employment in the rural areas. Moreover, the rural southwestern United States is a vast land area composed of small population clusters. The climate is dry and water is scarce. The population pattern has been correctly referred to as "an oasis society."[41] Hence growers and ranchers have usually not been able to draw upon a labor supply in their local areas. Their needs are especially acute during planting and harvesting seasons, when they have been more than willing to employ the cheap and totally dependent illegal aliens to meet their manpower needs. There are numerous accounts of illegal aliens being paid wages below prescribed minimum wage levels and of employers turning in their alien workers to immigration authorities at the end of the season prior to the time they collect their pay. In this way the aliens, who themselves deprive native workers of jobs at decent pay levels, are often victimized by employers who know that the aliens have no recourse to justice. As one government official who has decried the widespread abuses and exploitation of the aliens has stated, "nobody gives a damn since aliens are nobody's constituents."[42]

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[40]Samora, *Los Mojados*, p. 56.

[41]Fred H. Schmidt, *Spanish Surnamed American Employment in the Southwest* (Washington, D.C.: Government Printing Office, 1970), p. 50.

[42]E.g., see Laura A. Kierman, "5 Deported Aliens Sue for Md. Wages," *Washington Post*, September 23, 1974.

Another serious impact of the illegal Mexican aliens upon the rural economy of the Southwest is that since the 1940s they have been a factor in the pressure for Chicanos to move from rural to urban areas.[43] In the 1950 and 1960 censuses the Chicano population was the least urbanized of the three major racial groups who populate the Southwest (Chicanos, blacks, and whites who do not have Spanish surnames); the 1970 census, however, showed Chicanos to be the most urbanized of these groups. Often Chicanos who have been displaced from the rural economy have been totally unprepared for their new life in an urban labor market. In this way the illegal Mexican aliens have caused serious economic hardship and geographic dislocation for the Chicano labor force of the rural Southwest.

The illegal Mexican aliens have also had another adverse affect upon Chicanos. It is no accident that about half of the remaining seasonally migrant agricultural workers in the United States are Chicanos who come from the South Texas region that borders on Mexico. Many Chicanos of this region are forced to join the migrant laborers because the local labor market is overrun by illegal Mexican aliens and border commuters (people who live in Mexico because of its lower cost of living but, because of ambiguities in the immigration statutes, are able to work legally in the United States).[44] Although public policy in the United States has tried repeatedly to improve the economic plight of these native migrant workers by preparing them for nonmigrant vocations, all of these attempts have failed. The reason is that the programs have never been able to handle the basic problem that causes internal seasonal migrancy: too few job opportunities available in the workers' home base communities that offer wages at a level that will permit a decent standard of life. The influx of illegal Mexican immigrants and commuters has set in motion a process whereby poor Mexicans make poor Chicanos poorer.[45]

The illegal Mexican aliens have continually forestalled efforts of workers in low wage industries of the Southwest to

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[43]Vernon M. Briggs, Jr., *Chicanos and Rural Poverty* (Baltimore: Johns Hopkins Press, 1973), Chapter 4.

[44]*Ibid.*, pp. 42-44.

[45]Briggs, *Mexico-United States Border*, pp. 10-21.

become unionized. Often their presence so depresses wages and working conditions that native workers who might otherwise seek to establish a trade union are forced to look elsewhere for employment. When the native workers remain in the industry and attempt to form a union, the illegal Mexican aliens are frequently used as strikebreakers. The practice is illegal but the prevailing law is so fraught with loopholes that it is essentially meaningless. Although numerous instances could be cited, the most prominent contemporary example is the effort of the United Farm Workers to establish a union for agricultural workers throughout the Southwest. Cesar Chavez, the leader of the United Farm Workers, has repeatedly charged that employers are using illegal Mexican aliens as strikebreakers.[46] Chavez has stated that it is primarily because of his inability to keep alien labor out of the fields that his union has had to appeal for a nationwide boycott as the only effective method of exerting pressure on employers for bargaining recognition. As Chavez has stated:

> The illegal workers from Mexico are a severe problem. It is a problem that is out of control. . . . We say, let them come in with their families, if the country needs them. Let them be legal. Then they will stand up for their rights.[47]

The fact that the aliens are willing to work and that the employers need fear no penalty for hiring them has made unionization almost impossible. Again, the Chicanos are the chief losers.

Since the mid-1960s, however, a growing proportion of the illegal Mexican immigrants has gone directly to urban areas to find low skilled jobs. Often those who go to the rural areas are called "beginners." That is, many are making their first trip to the United States. The more experienced illegal aliens have found that the urban areas often pay more, the work is less arduous, and, especially in the Southwest, it is just as easy to

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[46]E.g., see "Chavez Charges Scheme," *Washington Post*, September 23, 1974.

[47]Severo, "The Flight of the Wetbacks," p. 81.

get "lost" in the urban barrio as it is in the open spaces of the rural areas. Also, agriculture is becoming more and more mechanized, which means that labor requirements have been diminishing in rural areas. The Immigration and Naturalization Service, for instance, estimates that over 150,000 illegal Mexican aliens are employed in the city of Los Angeles alone. If this figure is near to being correct, there are more Mexicans employed in Los Angeles than in any city in Mexico except Mexico City and Guadalajara.[48] Again, the illegal aliens move into the low wage sector of the economy, which makes an already desperate situation even worse for the native workers with whom they compete. The illegal workers, however, do not restrict themselves to menial jobs. Increasingly they are finding work as craftsmen and in other skilled and semiskilled positions. Craft unions, especially in the building trades, have begun to campaign actively for tighter restrictions. The competition is not only for jobs but also for the limited amount of low income housing, welfare funds, classroom space, public health facilities, and community services that are available. The few organizations that attempt to assist the indigenous poverty population are forced to stretch their services to meet the ever-expanding needs of this additional clientele.

But perhaps the group that suffers most is the Chicano of the Southwest. For decades this minority group has been struggling against discrimination and seeking economic assimilation into American life. Now, in the aftermath of the civil rights revolution of the 1960s, Chicanos have come closer than ever before to attainment of their elusive goal only to see their gains eroded by the unfair competition of Mexican workers. The situation is best stated by a noted scholar on Chicano life in the United States, the late George I. Sánchez, who has written:

> Time and time again, just as we [i.e., the Chicano population] have been on the verge of cutting our bicultural problems to manageable proportions, uncontrolled mass migrations from Mexico have erased the gains and accentuated the cultural indigestion.[49]

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[48] *Ibid.*

[49] George I. Sánchez, "History, Culture, and Education," in *La Raza: The Forgotten Americans* (South Bend: University of Notre Dame Press, 1966), p. 9.

Indirectly, of course, the United States itself suffers from the presence of an increasing number of illegal Mexican aliens. Some short-run private sector gains may be realized by the exploitation of the alien workers. But in the long run the presence of a growing number of workers who are denied political rights as well as minimum legal and job protections is a sure prescription for eventual trouble. Living at a survival level and under the constant fear of being detected, working in the most competitive and least unionized sectors of the economy, and often being victimized by criminal elements, these workers may find themselves forced into positions that produce a situation that will not only be out of control but will soon be uncontrollable. Over the nearly two centuries of its existence the United States has developed numerous laws, programs, and institutions that have sought to reduce the magnitude of human cruelty and the incidence of economic uncertainty for most of its citizens. For the illegal alien workers, however, these benefits are virtually nonexistent. It would be self-deception to believe that this situation can continue to mount at the current growth rate without eventual dire consequences to all parties concerned.

Chapter 6

POLICY RECOMMENDATIONS

The migration of Mexicans into the United States represents one of the major migration movements in the world today. The most prominent characteristic of this mass migration is its predominantly illegal and unregulated character. The second most significant feature is that neither the government of Mexico nor the United States is willing to acknowledge the importance of the problem and its implications for both nations. Mexico has been content to complain about alleged abuses of some illegal aliens who have been arrested and detained by U.S. authorities and to propose that a contract labor program similar to the bracero program of the 1942-1964 era be re-formalized. The U.S. government has, tragically, failed to grasp the full proportions of the issue. Unfortunately, illegal entry from Mexico is still considered to be only "a regional problem" of the Southwest. Hence the topic is not very high on the list of national priorities. It is not surprising, therefore, that Samora, in his seminal sociological work on illegal Mexican entry, has concluded that the two countries are "not even remotely agreed on a solution to the problem."[50]

The policy of the United States with respect to legal and illegal Mexican migration has never functioned in a vacuum. Historically the policy has been related to domestic economic policy (more concern during periods of high unemployment, less during times of low unemployment); labor policy (a strong interest in Mexicans as temporary and seasonal workers for low wage industries, less concern for them as permanent settlers);

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[50]Samora, *Los Mojados*, p. 46.

and racial policy (discrimination by Anglos over the years against this racial and ethnic minority group). For these reasons it is not easy to untangle the current issue from its historical evolution.

It is argued by some that the focus of attention should be upon workers as workers and not as workers of one nation versus workers of another nation. In the 1970s, when multinational corporations move their products and funds with relative ease across international borders and financiers speculate daily over anticipated changes in foreign currency rates, workers should not be divided by artificial political boundaries, it is suggested. There is, of course, some abstract support for this position in the standard economic theory of free trade. The unimpeded movement of the world's economic resources ensures, according to this theory, that economic resources will find their most rewarding and productive use and that thereby world output will be maximized. But standard economic theory is essentially a form of social engineering in which individual differences of people and nations are minimized in the pursuit of aggregate social goals. In the real world, however, political boundaries shape the conditions of life within the various nation states of the world community. These borders not only have social, cultural, and political importance, but they are of considerable economic consequence. For it is largely within the confines of these boundaries that most of the crucial governmental policies that affect the quality of life for the citizens of each nation are made. Nominally there may be a world community, but the welfare of most people is dependent upon the decisions of their own government. They expect their government to safeguard and to further their interests as well as it can. Consequently the study of political economy—as has always been the case—begins with the existence of political borders. The contention that the relative ease of movement across borders in many commercial and financial areas means that labor too ought to be able to move in an unregulated manner hardly seems persuasive. One area of unregulated activity does not legitimize another. Actually, of course, there has been a considerable effort in recent years by most nations of the world to control international trade and to regulate international

monetary matters.

With respect to migration of Mexicans into the United States, a number of policy measures are urgently needed. The impact of legal immigration is unevenly felt. Specific cities and states have been hard hit. To assist in the absorption of these new citizens, the federal government should provide "special impact" funds to school districts and community organizations that assist these immigrants in settlement. Ample precedent for providing such funds already exists, in the form of similar programs organized to help local areas when large military bases or related defense organizations are located in their community. In addition, special programs should be initiated in these high impact areas to help immigrants learn of existing legal protections; to make available information about training facilities and job placement centers; and to offer special classes in English with stipends for attendance.

Labor certification procedures for new immigrants also need reform. Since the Immigration and Nationality Act of 1952, the secretary of labor has had the authority to block entry of immigrants if their presence endangers prevailing American labor standards. The Immigration Act of 1965 added to this authority. It requires that immigrant job seekers also receive a job certification which states that a shortage of workers exists in the applicant's particular occupation and that his presence will not adversely affect prevailing wages and working conditions. Aside from the fact that the entire procedure is fraught with loopholes, the problem is that the certification is made only *once*—when the initial application for immigration is made. It has been suggested that a negative certification be adopted to ensure that the legal immigrant workers do not seek employment in overcrowded occupations or economically depressed areas, or serve as strikebreakers, or become employees of certain employers with histories of illegal activities.[51] The system would include a probationary period, perhaps one year, during which compliance by workers and employers could be assessed. A 1971 study found that only one

[51] North and Weissert, *Immigrants and the American Labor Market*, pp. 178-180.

of every thirteen immigrants to the United States was subject to the certification system.[52] This slippage is too great.

It is, of course, the illegal Mexican aliens that constitute the major labor migration flow into the United States in the 1970s. The problem is already of such a magnitude that it may not even be possible to reduce it to manageable proportions. But the effort *must* be made. The presence of "a shadow labor force" of rightless individuals who are easy prey for the most exploitative elements of American society is bad for both the aliens and the nation. But of even greater consequence than the victimization of these illegal aliens is that, collectively, they constitute a clear and present danger to the standard of living of all with whom they compete for jobs, housing, and community services. In particular, the Chicano citizens of the Southwest have borne disproportionately the weight of this burden. Other groups and other geographic areas are increasingly feeling this pressure.

For these reasons a number of policy changes are required. One is that the immunity of employers from prosecution when they employ illegal aliens should be eliminated. Legislation making it a criminal act to employ illegal aliens should be adopted at once. This can only be done at the federal level, since immigration policy is considered to be solely the province of the federal government. Two states—California and Connecticut—have passed laws making it unlawful for an employer to hire illegal aliens, only to have the laws declared unconstitutional. The Rodino bill, mentioned earlier, does impose sanctions and criminal penalties for repeat offenders against employers who "knowingly" hire illegal aliens. Although "knowingly" would undoubtedly be hard to prove, this legislation is a mandatory first step if any serious effort is to be made to address this issue. Such a sanction would at least place the moral weight of the government and of society against those employers who would violate its provisions. The situation would be analogous to Title VII of the Civil Rights Act of 1964, which bans employment discrimination. As important as this statute is,

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[52]David S. North, *Alien Workers: A Study of the Labor Certification Programs* (Washington, D.C.: Trans Century Corporation, 1971), pp. 95-96.

it has not made it any easier to prove an act of discrimination in an individual circumstance. But the act does put the moral weight of the government on the side of antidiscrimination and, although extensive attention has been given to the act's shortcomings, it remains true that there has been an amazing degree of voluntary compliance. Likewise, a Rodino-type statute can only strengthen efforts to ensure that immigration policy is not used as a source of cheap and rightless workers who threaten the welfare of native workers or who retard attempts to do away with low paying and exploitative jobs by supplying additional workers for these positions. There are legitimate fears by some minority groups—especially some militant Chicano organizations—concerning the possibility of abuse of such legislation.[53] But, having noted these areas of potential trouble, the government should be able to exercise sufficient vigilance to assure that such distortions of legislative purpose do not occur.

An alternative to the Rodino bill has been proposed. This bill, submitted by Senator Edward Kennedy (D-Massachusetts) in 1974, contains more severe civil penalties (i.e., fines) for employers who hire illegal aliens than does the Rodino bill, but it contains no criminal penalties (i.e., jail terms), unlike the Rodino proposal. Moreover, the Kennedy bill would extend a virtual amnesty to all illegal aliens currently in the country who have been here for at least three years. The latter aspect of the proposed legislation has gained much support from religious and community organizations. It has been strongly opposed, however, by the Immigration and Naturalization Service, which feels that the offer of one amnesty could only lead to additional offers in the future. Hence the Service feels that the legislation would backfire by actually promoting alien migration over the long run. To date the Kennedy bill has been bottled up in a Senate subcommittee. As the bill is strongly opposed by the chairman of the committee, Senator James Eastland, the probability is small that it will ever clear the committee even if it is reintroduced in the next session of Congress.

In addition to sanctions against employers, there is a vital need for increases in the manpower and the budget of the

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[53]E.g., see Briggs, *Mexico-United States Border*, pp. 11-12.

Immigration and Naturalization Service to a level commensurate with the scale of its responsibilities. The increase should not only be for patrolling and apprehending duties but also for prosecutors and officers who conduct hearings. The use of the "voluntary departure system" should be actively discouraged. Records and identification of all arrestees should be made. Jail terms should be imposed on repeat offenders. In these ways a posture of deterrence rather than acquiescence could be assumed. At the same time a concerted apprehension drive should be initiated by the Immigration and Naturalization Service in the cities in which illegal aliens are known to reside, to apprehend them and return them to their native land. All appropriate civil liberty protections should be applied to ensure that no false arrest or mistaken deportation occurs. But the message should be made clear: illegal alien workers from any country are unwanted guests. Concurrently with these efforts, other loopholes in the existing immigration policies which tolerate daily and seasonal commuter workers from Mexico should also be corrected.[54]

Finally, but of extreme importance, the United States should make overtures to Mexico concerning how efforts could be made to develop the economy of Mexico's northern states. Financial and technical aid should be made available. Mexico, however, should design the regional plan and set its own priorities. If the government of Mexico decides that it wants no part of such aid, then so be it. But it should be made clear that a continuation of the existing unregulated exodus of its citizens into the United States is out of the question.

Obviously this issue does not lend itself to any easy solution. Unless coupled with a massive foreign aid program by the United States to develop the economy of northern Mexico, the prospect is that hundreds of thousands of human beings are going to suffer no matter what is done. Without U.S. assistance the more restrictive border policies proposed would condemn most of the would-be illegal Mexican aliens to lives of squalor. On the other hand, if the prevailing situation is allowed to continue, the illegal Mexican aliens and the thousands of U.S.

54*Ibid.*, pp. 15-21.

workers (mostly Chicanos at present) with whom they compete will continue to work in a generally surplus labor market at jobs that provide no more than a bare level of existence. Numerous humane policy alternatives are available to assist immigrant workers where excess demand for labor causes migration. Few humane alternatives are available when a labor surplus exists, as in the Southwest today. All that can be done is to attempt to reduce the inflow.

The sooner the nation recognizes what policies are needed, the easier will be the eventual adjustment. The longer it postpones the inevitable, the harder the task will be. The question is not *whether* the nation should act, but rather *when* it will act and *in what manner*.

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